

AMENDED IN SENATE JUNE 19, 2006

AMENDED IN SENATE JULY 5, 2005

AMENDED IN ASSEMBLY MAY 16, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 352**

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**Introduced by Assembly Member Koretz**  
**(Coauthors: Assembly Members Klehs, Pavley, Ridley-Thomas,**  
**and Yee)**  
*(Coauthor: Senator Scott)*

February 10, 2005

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An act to amend Sections 12126 and 12130 of the Penal Code, relating to firearms.

### LEGISLATIVE COUNSEL'S DIGEST

AB 352, as amended, Koretz. Firearms: microstamping.

Existing law defines unsafe handguns as failing to pass certain tests, or lacking certain features, as specified.

This bill would, commencing January 1, 2009, expand the definition of unsafe handgun to include semiautomatic pistols that are not designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired.

By expanding the definition of “unsafe handgun,” the manufacture, sale, and other specified transfer of which is a crime, this bill would expand the scope of an existing crime, and thereby impose a state-mandated local program.

Existing law requires the submission of handguns by manufacturers for determining if the handguns are unsafe, as specified.

This bill would provide that, commencing on January 1, 2009, no handgun may be submitted for that testing unless the handgun is designed and equipped with a microscopic array of characters, that identify the make, model, and serial number of the pistol, etched into the interior surface or internal working parts of the pistol, and which are transferred by imprinting on each cartridge case when the firearm is fired, *as specified*.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 12126 of the Penal Code is amended to
- 2 read:
- 3 12126. As used in this chapter, “unsafe handgun” means any
- 4 pistol, revolver, or other firearm capable of being concealed upon
- 5 the person, as defined in subdivision (a) of Section 12001, for
- 6 which any of the following is true:
- 7 (a) For a revolver:
- 8 (1) It does not have a safety device that, either automatically in
- 9 the case of a double-action firing mechanism, or by manual
- 10 operation in the case of a single-action firing mechanism, causes
- 11 the hammer to retract to a point where the firing pin does not rest
- 12 upon the primer of the cartridge.
- 13 (2) It does not meet the firing requirement for handguns
- 14 pursuant to Section 12127.
- 15 (3) It does not meet the drop safety requirement for handguns
- 16 pursuant to Section 12128.
- 17 (b) For a pistol:
- 18 (1) It does not have a positive manually operated safety
- 19 device, as determined by standards relating to imported guns

1 promulgated by the federal Bureau of Alcohol, Tobacco, and  
2 Firearms.

3 (2) It does not meet the firing requirement for handguns  
4 pursuant to Section 12127.

5 (3) It does not meet the drop safety requirement for handguns  
6 pursuant to Section 12128.

7 (4) Commencing January 1, 2006, for a center-fire  
8 semiautomatic pistol that is not already listed on the roster  
9 pursuant to Section 12131, it does not have either a chamber load  
10 indicator, or a magazine disconnect mechanism.

11 (5) Commencing January 1, 2007, for all center-fire  
12 semiautomatic pistols that are not already listed on the roster  
13 pursuant to Section 12131, it does not have both a chamber load  
14 indicator and if it has a detachable magazine, a magazine  
15 disconnect mechanism.

16 (6) Commencing January 1, 2006, for all rimfire  
17 semiautomatic pistols that are not already listed on the roster  
18 pursuant to Section 12131, it does not have a magazine  
19 disconnect mechanism, if it has a detachable magazine.

20 (7) Commencing January 1, 2009, for all semiautomatic  
21 pistols that are not already listed on the roster pursuant to Section  
22 12131, it is not designed and equipped with a microscopic array  
23 of characters that identify the make, model, and serial number of  
24 the pistol, etched~~into~~ *or otherwise imprinted onto* the interior  
25 surface or internal working parts of the pistol, and which are  
26 transferred by imprinting on each cartridge case when the firearm  
27 is fired, *and further provided that a technology to create the*  
28 *imprint, if reliant upon a patent, is available to more than one*  
29 *manufacturer. A method of equal or greater reliability and*  
30 *effectiveness in identifying ammunition fired from a firearm than*  
31 *that which is set forth in this paragraph, via an imprint on a*  
32 *cartridge may also be approved by the Attorney General and*  
33 *thereafter required as otherwise set forth by this paragraph.*  
34 *Approval by the Attorney General shall include notice of that fact*  
35 *via regulations adopted by the Attorney General for purposes of*  
36 *implementing that method for purposes of this section.*

37 (c) As used in this section, a “chamber load indicator” means  
38 a device that plainly indicates that a cartridge is in the firing  
39 chamber. A device satisfies this definition if it is readily visible,  
40 has incorporated or adjacent explanatory text or graphics, or

1 both, and is designed and intended to indicate to a reasonably  
2 foreseeable adult user of the pistol, without requiring the user to  
3 refer to a user's manual or any other resource other than the  
4 pistol itself, whether a cartridge is in the firing chamber.

5 (d) As used in this section, a "magazine disconnect  
6 mechanism" means a mechanism that prevents a semiautomatic  
7 pistol that has a detachable magazine from operating to strike the  
8 primer of ammunition in the firing chamber when a detachable  
9 magazine is not inserted in the semiautomatic pistol.

10 (e) As used in this section, a "semiautomatic pistol" means a  
11 pistol, as defined in subdivision (a) of Section 12001, the  
12 operating mode of which uses the energy of the explosive in a  
13 fixed cartridge to extract a fired cartridge and chamber a fresh  
14 cartridge with each single pull of the trigger.

15 SEC. 2. Section 12130 of the Penal Code is amended to read:

16 12130. (a) Any pistol, revolver, or other firearm capable of  
17 being concealed upon the person manufactured in this state,  
18 imported into the state for sale, kept for sale, or offered or  
19 exposed for sale, shall be tested within a reasonable period of  
20 time by an independent laboratory certified pursuant to  
21 subdivision (b) to determine whether that pistol, revolver, or  
22 other firearm capable of being concealed upon the person meets  
23 or exceeds the standards defined in Section 12126.

24 (b) On or before October 1, 2000, the Department of Justice  
25 shall certify laboratories to verify compliance with the standards  
26 defined in Section 12126. The department may charge any  
27 laboratory that is seeking certification to test any pistol, revolver,  
28 or other firearm capable of being concealed upon the person  
29 pursuant to this chapter a fee not exceeding the costs of  
30 certification.

31 (c) The certified testing laboratory shall, at the manufacturer's  
32 or importer's expense, test the firearm and submit a copy of the  
33 final test report directly to the Department of Justice along with a  
34 prototype of the weapon to be retained by the department. The  
35 department shall notify the manufacturer or importer of its  
36 receipt of the final test report and the department's determination  
37 as to whether the firearm tested may be sold in this state.

38 (d) (1) Commencing January 1, 2006, no center-fire  
39 semiautomatic pistol may be submitted for testing pursuant to  
40 this chapter if it does not have either a chamber load indicator as

1 defined in subdivision (c) of Section 12126, or a magazine  
2 disconnect mechanism as defined in subdivision (d) of Section  
3 12126 if it has a detachable magazine.

4 (2) Commencing January 1, 2007, no center-fire  
5 semiautomatic pistol may be submitted for testing pursuant to  
6 this chapter if it does not have both a chamber load indicator as  
7 defined in subdivision (c) of Section 12126 and a magazine  
8 disconnect mechanism as defined in subdivision (d) of Section  
9 12126.

10 (3) Commencing January 1, 2006, no rimfire semiautomatic  
11 pistol may be submitted for testing pursuant to this chapter if it  
12 has a detachable magazine, and does not have a magazine  
13 disconnect mechanism as defined in subdivision (d) of Section  
14 12126.

15 (4) Commencing January 1, 2009, no semiautomatic pistol  
16 may be submitted for testing pursuant to this chapter if it is not  
17 designed and equipped with a microscopic array of characters  
18 that identify the make, model, and serial number of the pistol,  
19 etched into the interior surface or internal working parts of the  
20 pistol, and which are transferred by imprinting on each cartridge  
21 case when the firearm is fired.

22 SEC. 3. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution because  
24 the only costs that may be incurred by a local agency or school  
25 district will be incurred because this act creates a new crime or  
26 infraction, eliminates a crime or infraction, or changes the  
27 penalty for a crime or infraction, within the meaning of Section  
28 17556 of the Government Code, or changes the definition of a  
29 crime within the meaning of Section 6 of Article XIII B of the  
30 California Constitution.